



MEMORANDUM

TO: Gary Jackson, City Manager *AK*
FROM: Wilma Reynolds
SUBJECT: Board of Adjustment
DATE: March 20, 2008
CC: Bob Oast, Shannon Tuch

At the February 13, 2008 Planning and Economic Development meeting, the Committee received a report from CAN representatives, and then directed staff to: (1) Research how we might improve public awareness of the Board of Adjustment's appeal process, (2) Solicit BOA consideration of the process and procedure changes proposed. The BOA review was expected to occur in a future worksession or retreat.

Research Public Awareness - In response to how we might improve public awareness of the BOA's appeal process, we benchmarked our webpage with Greensboro, Charlotte, Winston-Salem, and the City of Wilmington. It does not appear that the Board of Adjustment selection is offered on the home page for any of the 5 cities. However, the Planning Department's home page for Asheville provides clear, concise lines to the Board of Adjustment link, and in most cases seemed easier to access than other cities. Following is the layout of our webpage:

Instructions: Once you arrive on the Asheville home page, select (in this order):

- 1) City Departments
click→ Planning & Development
- 2) Planning & Development Department
click→ Planning Boards and Commissions
- 3) Development Services - Board & Commissions
click→ Board of Adjustment
- 4) Development Services Boards & Commissions – Board of Adjustment
click →Meeting Schedules - Upcoming Agendas - Meeting Minutes
click →Application Packets For Zoning Variance
click →Application Packets For Sign Variance
click →Application Packets For Interpretation Appeal



You may choose to bypass all those steps, by simply entering "Board of Adjustment" in the SEARCH bar on the home page, then clicking "GO". You will then be directed straight to the BOA page, which displays a list of options. You can also reach the BOA by clicking on most of the "drop down menus" on the Home Page. For example, starting with Business, click Development Services, click Boards and Commissions, and then click Board of Adjustment. Essentially, there are many ways you can maneuver to reach the BOA site.

Upon consultation with the City Attorney, we received two suggestions for specific improvements to our webpage:

- 1) Include a role clarification – There are two zoning classification (Urban Place and Urban Residential) where the Planning and Zoning commission has limited jurisdiction to grant variances from design standards peculiar to those districts. We may be moving to this more, so, for some zoning districts, variances from design and operational standards may also be granted by the Planning and Zoning commission.
- 2) Provide a State Bar warning – We need to include a note that says that the State Bar has ruled that representation of parties at quasi-judicial hearings is the practice of law within the meaning of the statute that prohibits the unauthorized practice of law.

The City Attorney will review the relevant rulings and prepare appropriate language for posting the revisions.

Board of Adjustment Review - The Planning Director is scheduling a BOA retreat with the Chair. The results of the retreat would be reported to City Council for consideration.